

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF RHODE ISLAND

In re:

THE NEWPORT CREAMERY INC.  
Debtor

BK. 01-13196  
CHAPTER 7

**APPLICATION TO COMPROMISE THE TRUSTEE'S CLAIMS AGAINST  
ROBERT E. SWAIN, ROCOMI ENTERPRISES, LLC, NEWPORT CREAMERY, L.P.,  
NEWBERG, L.P., NEWHART, L.P., TARPON HIGHLANDS  
DEVELOPMENT CORPORATION AND LINDA D. SWAIN**

1. Andrew S. Richardson is the duly appointed trustee in the above-entitled matter.
2. The trustee is the plaintiff in the matter of Andrew S. Richardson, Trustee v. Robert E. Swain, Rocomi Enterprises, LLC, Newport Creamery, L.P., Newberg, L.P., Newhart, L.P. and Tarpon Highlands Development Corporation, A.P. 01-1118.
3. The trustee is also the plaintiff in the matter of Andrew S. Richardson, Trustee v. Linda D. Swain, A.P. 01-1120.
4. The trustee has reached an agreement for settlement with all defendants in the two adversary proceedings which the trustee believes is in the best interest of the bankruptcy estate.
5. With respect to defendant Newport Creamery, L.P. ("L.P."), L.P. has agreed to transfer to the trustee all of its right, title and interest in the real estate, improvements and fixtures, subject only to recorded liens and encumbrances, at the following locations:
  - (1) 208 West Main Road, Middletown, RI
  - (2) 568 Putnam Pike, Greenville, RI
  - (3) 673 Smith Street, Providence, RI
  - (4) 781 Tiogue Avenue, Coventry, RI
  - (5) 701 Fall River Avenue, Seekonk, MA.

The properties are subject to mortgages given to GE Capital Franchise Finance Corporation

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("FFCA") which the trustee is challenging in Andrew S. Richardson, Trustee v. GE Capital Franchise Finance Corporation, et al, A.P. 02-1027, currently pending in this Court. The Trustee believes the approximate value of the real estate is between \$3,000,000 and \$3,500,000.

6. In addition to the above, L.P. shall waive any claims of any nature, including, but not limited to, claims for rent owed by The Newport Creamery, Inc. ("NCI"), including all administrative claims for rent, and claims for amounts loaned to NCI. L.P. has asserted a pre-petition claim for rent in the amount of \$348,000 against the debtor as well as a claim for an outstanding loan to the debtor in the amount of \$438,000. L.P. further holds a claim for post-petition, administrative rent in the approximate amount of \$700,000 (14 months at \$50,000 a month). L.P. shall also waive its claims to the administrative rent collected on the properties by the trustee from Janco, which rent now is expected to total between \$250,000-\$300,000. All rents are subject to an assignment of rents and leases to GE Capital/FFCA which the Trustee is challenging in Richardson, Trustee vs. GE Capital, supra.

7. L.P. will also transfer to the trustee all rights that it has to the proceeds from the sale of property located on West Shore Road, Warwick, RI in the amount of approximately \$100,000 which funds are currently being held in escrow by Kevin Hayes, Esq., subject only to the recorded attorney's lien of Keven A. McKenna, P.C., which lien is disputed by the trustee.

8. The trustee has agreed to release L.P. and its general partner, Newport Creamery South, Inc., a Delaware corporation, from all claims in consideration of the above. The trustee's release shall not release any third parties against whom the trustee may have claims arising from dealings with NCI or with L.P., including any claims or defenses which may be asserted arising

from any transfer of property or interests in property in violation of any restraining orders.

9. The trustee has asserted claims against Newberg, L.P. ("Newberg") for the overpayment of rent by NCI to Newberg. Newberg claims that it is owed \$361,000 in pre-petition rent and \$45,000 in post-petition rent and \$249,000 for pre-petition loans. All of Newberg's assets have been foreclosed. The trustee and Newberg have agreed to exchange mutual releases. Newberg will waive all claims for rent against the estate.

10. The trustee has asserted claims against Newhart, L.P. ("Newhart") for the overpayment of rent by NCI to Newhart. Newhart claims that it is owed \$166,000 in pre-petition rent and \$44,000 in post-petition rent. Newhart's only assets are parcels of real estate which the Trustee believes to be over encumbered by mortgages and has no other assets. The trustee and Newhart have agreed to exchange mutual releases. Newhart will waive all claims for rent against the estate.

11. Tarpon Highlands Development Corporation ("Tarpon") is in a Chapter 7 bankruptcy and has no assets. The trustee's proceedings against Tarpon are stayed and the trustee's complaint as to Tarpon can be dismissed.

12. Judgment shall enter against Robert E. Swain and Rocomi Enterprises, LLC ("Rocomi") in the amount of \$1,000,000. This judgment shall be solely on the contract counts and the remaining counts shall be dismissed with prejudice. The trustee agrees to stay execution on the judgment for a period of 9 months. The trustee further agrees that the judgment shall be considered satisfied in full upon payment of \$850,000 within 60 days of the Court's approval of the application to compromise. Alternatively, the trustee agrees that the judgment shall be satisfied in full by virtue

of payment of \$500,000 in cash within 60 days of the date of the Court's approval and payment of the balance (\$350,000) pursuant to a two year secured note with interest at 6% per annum payable to the trustee from obligors whose creditworthiness and security are satisfactory to the trustee, said approval by the trustee not to be unreasonably withheld. The judgment against Rocomi and Mr. Swain will not be considered fully satisfied until the obligation under the note is paid in full. Time is of the essence with respect to this paragraph.

13. Robert E. Swain will waive any claims that he has individually against the trustee and the bankruptcy estate. Mr. Swain has alleged that he is owed approximately \$218,000 by NCI.

14. Judgment shall enter against Linda D. Swain (A.P. 01-1120) in the amount of \$556,000. Execution on the judgment will be stayed for 6 months and the judgment will be deemed satisfied upon payment of \$500,000 within 60 days of the Court's approval of the application to compromise. Linda D. Swain will assign to the trustee the note from New England Pantry in the face amount of \$100,000, and any amounts collected by the trustee on the note will be applied to the judgment. If the trustee receives within 60 days of approval of the application to compromise consideration equal to \$850,000 as described in paragraph 12 above, the note shall be reassigned to Linda Swain. The judgment against Linda D. Swain shall be a joint judgment with the judgment against Robert E. Swain and Rocomi and shall not be in addition thereto. Time is of the essence with respect to this paragraph.

15. Rocomi, Robert Swain and Linda Swain shall transfer to the trustee all of the interests of Rocomi in WHLP (a 40% limited partnership interest) and New England Pantry Inc. ("NEP") (40% of the common stock plus control through shareholders voting agreement). If for any

reason the transfers cannot be accomplished, an agreement/order shall be negotiated so as to provide that the interests of Rocomi, Robert and Linda Swain in WHLP and NEP shall be held and liquidated for the benefit of The Newport Creamery, Inc. bankruptcy estate.

16. Any monies received by the trustee from the liquidation of the interests of Rocomi in WHLP or NEP will be applied to the judgments against Robert and Linda Swain and Rocomi. In the event the trustee receives funds from the liquidation of these assets over and above the judgments against Rocomi and Robert Swain and Linda Swain, those funds shall remain the exclusive property of the trustee for the bankruptcy estate.

17. Attached as an exhibit to this application is a financial statement executed by Robert and Linda Swain and submitted to the Court under the pains and penalties of perjury. Robert and Linda Swain acknowledge that the trustee is relying upon the accuracy of the financial statements in agreeing to the terms set forth in this application to compromise, and Robert and Linda Swain further acknowledge that the Court is relying upon the information contained in the financial statement in deciding whether or not to approve this Application to Compromise.

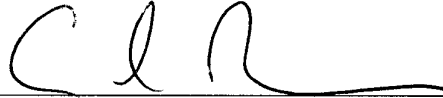
18. Robert Swain, on behalf of himself and on behalf of Swain Development Corporation shall assign to the trustee any and all claims that they might have against the estate of John O'Brien or any other party arising out of a promissory note executed by Robert Swain and Swain Development Corporation in the face amount of \$150,000 dated March 5, 1999.

19. Should any of the defendants or any person or entity effected by the settlement agreement file a voluntary bankruptcy petition or be petitioned into bankruptcy involuntarily and/or should any of the transfers, assignments or payments set forth herein be set aside for any reason, the

settlement and the releases contained herein shall be null, void and of no effect at the sole option of the trustee.

20. Defendants shall dismiss with prejudice all counterclaims asserted in A.P. 01-1118 and A.P. 01-1120. Except as set forth in this application, the trustee will dismiss his claims with prejudice.

21. The parties agree to execute all appropriate and necessary documents to effectuate the agreement set forth herein. Upon approval by the Court of this application to compromise and the execution and delivery of all settlement documents, all pending motions shall be withdrawn as moot and all restraining orders and injunctions against the defendants shall be dissolved with the exception of the orders which may be necessary to preserve the assets of Rocomi, NEP or WHLP for the benefit of the bankruptcy estate as set forth in paragraph 15 above.



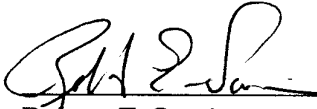
Andrew S. Richardson, Trustee  
Boyajian, Harrington & Richardson  
182 Waterman Street  
Providence, RI 02906  
Tel. (401) 273-9600  
Fax. (401) 273-9605

DATED: September 25, 2002


Within twenty (20) days after service as evidenced by the certification (twenty [20] days for U. S. Government officers and agencies thereof), and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought therein, shall serve and file an objection or other appropriate response to this paper with the Bankruptcy Court Clerk's Office, 380 Westminster Mall, 6<sup>th</sup> Floor, Providence, RI 02903, (401) 528-4477. If no objection or other response is timely filed within the time allowed herein, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise.

ATTESTATION

I, Robert E. Swain do hereby attest under the pains and penalties of perjury that the financial statement and attached schedules are true and accurate to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Robert E. Swain

Notary Public:

  
\_\_\_\_\_  
Commission Expires: 1/28/05

**Robert E. Swain**  
**Statement of Financial Condition**  
**September 15, 2002**

**ASSETS**

Cash	\$	123
Checking	\$	395
Deposits	\$	4,386
Tax Refund	\$	2,700
Common Stock		
Rocomi Enterprises, LLC (50% Interest)	\$	425,000
Tarpon Highlands Development Corporation	\$	-
Limited Partnership Interests		
Newport Creamery LP	\$	-
Newberg LP	\$	-
NewHart LP	\$	-
Automobiles (see attached valuations)	\$	26,462
IRA	\$	10,224
Boat - 1989 Mako w/o engine	\$	4,500
Personal Property	\$	3,200
<b>Total Assets</b>	\$	476,867

**LIABILITIES**

Note Payable AmSouth	\$	165,000
Automobile Loans	\$	31,832
Credit Card Debt	\$	97,591
Loans Payable		
New England Pantry, Inc. (net)	\$	55,000
Others (5 individuals)	\$	350,000
Judgements	\$	1,685,000
Batty Settlement	\$	11,000
Sales Tax Liability Massachusetts	\$	270,000

<b>Total Liabilities</b>	\$	2,665,423
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<b>Net Worth</b>	\$	(2,188,556)
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**Contingent Liabilities**

GEFFCA	\$5,200,000
Textron Financial	\$15,100,000



IN RE ROBERT E. SWAIN  
Debtor(s)

Case No. \_\_\_\_\_

## SCHEDULE B - PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "X" in the appropriate position in the column labeled "None". If additional space is needed in any category, attached a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, or both own the property by placing an "H" for Husband, "W" for Wife, "J" for Joint, or "C" for Community in the column labeled "HWJC." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions only in Schedule C - Property Claimed as Exempt.

Do not include interests in executory contracts and unexpired leases on the schedule. List them in Schedule G - Executory Contracts and Unexpired Leased.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property".

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HWJC	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
1. Cash on hand.		CASH	H	123
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		1ST NATIONAL BANK OF FLORIDA	J	395
3. Security deposits with public utilities, telephone companies, landlords, and others.		AVALON COMMUNITIES	J	4386
4. Household goods and furnishings, include audio, video, and computer equipment.	X			
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.	X			
6. Wearing apparel.		CLOTHES	H	1000
7. Furs and jewelry.		WATCH	H	100
8. Firearms and sports, photographic, and other hobby equipment.		GOLF CLUBS	H	100

SCHEDULE B - PERSONAL PROPERTY

RE

IN RE ROBERT E. SWAIN

Debtor(s)

Case No. \_\_\_\_\_

**SCHEDULE B - PERSONAL PROPERTY**  
(Continuation Sheet)

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	H W J C	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
9. Interest in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	X			
10. Annuities. Itemize and name each issue.	X			
11. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Itemize.		MASS MUTUAL IRA	H	10,224
12. Stock and interests in incorporated and unincorporated businesses. Itemize.		ROCOMI ENTERPRISES, LLC	J	850,000
13. Interests in partnerships or joint ventures. Itemize.		NEWPORT CREAMERY, LP NOWHART, LP NEWBORG, LP	H J J	Ø
14. Government and corporate bonds and other negotiable and non-negotiable instruments.	X			
15. Accounts receivable.	X			
16. Alimony, maintenance, support, and property settlements in which the debtor is or may be entitled. Give particulars.	X			
17. Other liquidated debts owing debtor including tax refunds. Give particulars.		STATE OF RI	J	2700
18. Equitable or future interest, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule of Real Property.	X			
19. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			
20. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.		COUNTERCLAIMS: • CHECKERS DRIVE-IN REST. • BERGSON'S ENTITIES	H H	Ø Ø

IN RE

Robert E. Swain

Debtor(s)

Case No. \_\_\_\_\_

**SCHEDULE B - PERSONAL PROPERTY**  
**(Continuation Sheet)**

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	H W J C	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
21. Patents, copyrights, and other intellectual property. Give particulars.	X			
22. Licenses, franchises, and other general intangibles. Give particulars.	X	LAND ROVER DISCOVERY - 1997	H	12,094
		LAND ROVER DISCOVERY - 1997	H	11,432
		TRIP CHUCKERS - 1993	J	2936
23. Automobiles, trucks, trailers, and other vehicles and accessories.				
24. Boats, motors, and accessories.		MAKO - 1989 w/o ENGINE	H	4500
25. Aircraft and accessories.	X			
26. Office equipment, furnishings, and supplies.		OFFICE FURNITURE - IN POSSESSION OF TRUSTEE	H	2000
27. Machinery, fixtures, equipment, and supplies used in business.	X			
28. Inventory.	X			
29. Animals.	X			
30. Crops - growing or harvested. Give particulars.	X			
31. Farming equipment and implements.	X			
32. Farm supplies, chemicals, and feed.	X			
33. Other personal property of any kind not already listed. Itemize.	X			
<b>TOTAL</b>				<b>901,991</b>

\_\_\_\_ continuation sheets attached

(Include amounts from any continuation sheets attached.  
 Report total also on Summary of Schedules.)

IN RE ROBERT E. SWAIN  
Debtor(s)

Case No. \_\_\_\_\_

**SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)**

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by a married debtor in a chapter 12 or 13 case whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.

Debtor's Marital Status  <b>MARRIED</b>	DEPENDENTS OF DEBTOR AND SPOUSE		
	NAMES <b>MICHAEL G. SWAIN</b>	AGE <b>21</b>	RELATIONSHIP <b>SON</b>
EMPLOYMENT: DEBTOR		SPOUSE	
Occupation <b>CONSULTANT</b>			
Name of Employer			
How long employed			
Address of Employer			

Income: (Estimate of average monthly income)

Current Monthly gross wages, salary, and commissions (pro rata if not paid monthly)

Estimated monthly overtime

**SUBTOTAL**

**LESS PAYROLL DEDUCTIONS**

- a. Payroll taxes and Social Security
- b. Insurance
- c. Union dues
- d. Other (specify) \_\_\_\_\_

**SUBTOTAL OF PAYROLL DEDUCTIONS**

**TOTAL NET MONTHLY TAKE HOME PAY**

Regular income from operation of business or profession or farm (attach detailed statement)

Income from real property

Interest and dividends

Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above

Social Security or other government assistance  
(Specify) \_\_\_\_\_

Pension or retirement income

Other monthly income

(Specify) \_\_\_\_\_

**TOTAL MONTHLY INCOME**

**TOTAL COMBINED MONTHLY INCOME** \$ 5,600 (Report also on Summary of Schedules)

Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document:

IN RE Robert E. Swain Debtor(s) Case No. \_\_\_\_\_

**SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)**

Complete this schedule by estimating the average monthly expenses of the debtor and the debtor's family. Pro rate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

Rent or home mortgage payment (include lot rented for mobile home) \$ 4661

Are real estate taxes included? Yes ☐ No ☒

Is property insurance included? Yes ☐ No ☒

Utilities: Electricity and heating fuel \$ 111

Water and sewer \$ 0

Telephone \$ 320

Other \_\_\_\_\_ \$ \_\_\_\_\_

Home maintenance (repairs and upkeep) \$ 462

Food \$ 1000

Clothing \$ 300

Laundry and dry cleaning \$ 150

Medical and dental expenses \$ 100

Transportation (not including car payments) \$ 240

Recreation, clubs and entertainment, newspapers, magazines, etc. \$ 820

Charitable contributions \$ 80

Insurance (not deducted from wages or included in home mortgage payments)

Homeowner's or renter's \$ 77

Life \$ 1427

Health \$ 680

Auto \$ 357

Other UMBRELLA \$ 167

Taxes (not deducted from wages or included in home mortgage payments)

(Specify) REAL ESTATE \$ 750

Installment payments (in chapter 12 and 13 cases, do not list payments to be included in the plan)

Auto \$ 346

Other CREDIT CARDS \$ 3500

Alimony, maintenance, and support paid to others \$ 0

Payments for support of additional dependents not living at your home \$ 1300

Regular expenses from operation of business, profession, or farm (attach detailed statement) \$ \_\_\_\_\_

Other BATY LAWSUIT SETTLEMENT \$ 1000

**TOTAL MONTHLY EXPENSES (Report also on Summary of Schedules)** \$ 17,848

(FOR CHAPTER 12 AND 13 DEBTORS ONLY)

Provide the information requested below, including whether plan payments are to be made bi-weekly, monthly, annually, or at some other regular interval.

A. Total projected monthly income \$ \_\_\_\_\_

B. Total projected monthly expenses \$ \_\_\_\_\_

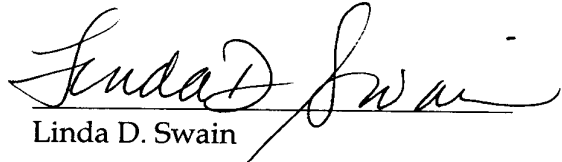
C. Excess income (A minus B) \$ \_\_\_\_\_

D. Total amount to be paid into plan each \_\_\_\_\_ \$ \_\_\_\_\_


(interval)

**ATTESTATION**

I, Linda D. Swain do hereby attest under the pains and penalties of perjury that the financial statement and attached schedules are true and accurate to the best of my knowledge, information and belief.

  
Linda D. Swain

Notary Public:

  
Commission Expires: 1/28/05

**Linda D. Swain**  
**Statement of Financial Condition**  
**September 15, 2002**

**ASSETS**

Cash		
Checking	\$	200
First National Bank		
Citizens	\$	395
Deposits	\$	275
Tax Refund	\$	4,386
Note Receivable New England Pantry	\$	2,700
Florida Homestead (Purchase Price May, 2001)	\$	81,000
Common Stock	\$	432,000
Rocomi Enterprises, LLC (50% Interest)		
Limited Partnership Interests	\$	425,000
Newport Creamery LP		
Newberg LP	\$	-
NewHart LP	\$	-
Automobiles (see attached)	\$	-
American Partners Life Insurance Cash Surrender Value	\$	13,846
Personal Property	\$	27,929
	\$	52,100
<b>Total Assets</b>	\$	1,039,831

**LIABILITIES**

Automobile Loan	\$	18,026
Credit Card Debt	\$	97,591
Real Estate Taxes	\$	8,800
<b>Total Liabilities</b>	\$	124,417
<b>Net Worth</b>	\$	915,414

LD8

IN RE

LINDA D. SWAIN

Debtor(s)

Case No.

## SCHEDULE B - PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "X" in the appropriate position in the column labeled "None". If additional space is needed in any category, attached a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, or both own the property by placing an "H" for Husband, "W" for Wife, "J" for Joint, or "C" for Community in the column labeled "HWJC." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions only in Schedule C - Property Claimed as Exempt.

Do not include interests in executory contracts and unexpired leases on the schedule. List them in Schedule G - Executory Contracts and Unexpired Leased. If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property".

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HWJC	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
1. Cash on hand.		CASH ON PERSON	W	200
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		1ST NATIONAL BANK OF FLORIDA CITIZENS BANK	J W	395 275
3. Security deposits with public utilities, telephone companies, landlords, and others.		AVALON COMMUNITIES	J	4386
4. Household goods and furnishings, include audio, video, and computer equipment.		HOUSEHOLD GOODS + FURNISHINGS LIQUIDATION ESTIMATE	W	30,000
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.		BOOKS, PRINTS	J	1000
6. Wearing apparel.		CLOTHING	W	1000
7. Furs and jewelry.		FURS + JEWELRY	W	20,000
8. Firearms and sports, photographic, and other hobby equipment.		GOLF CLUBS	W	100

SCHEDULE B - PERSONAL PROPERTY



IN RE

LINDA D. SWAIN

Debtor(s)

Case No.

**SCHEDULE B - PERSONAL PROPERTY**  
**(Continuation Sheet)**

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	H W J C	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
9. Interest in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	X			
10. Annuities. Itemize and name each issue.		AMERICAN PARTNERS LIFE	W	27,929
11. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Itemize.	X			
12. Stock and interests in incorporated and unincorporated businesses. Itemize.		ROCOMI ENTERPRISES, LLC	L	850,000
13. Interests in partnerships or joint ventures. Itemize.		NEWPORT CREAMERY, LP NEWHART, LP NEWBORG, LP	L L L	<del>000</del>
14. Government and corporate bonds and other negotiable and non-negotiable instruments.	X			
15. Accounts receivable.	X			
16. Alimony, maintenance, support, and property settlements in which the debtor is or may be entitled. Give particulars.	X			
17. Other liquidated debts owing debtor including tax refunds. Give particulars.		STATE OF RI	J	2700
18. Equitable or future interest, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule of Real Property.	X			
19. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			
20. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			

SCHEDULE B - PERSONAL PROPERTY

WDO

IN RE LINDA D. SWAIN Debtor(s) Case No. \_\_\_\_\_

**SCHEDULE B - PERSONAL PROPERTY**  
(Continuation Sheet)

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	H W J C	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
21. Patents, copyrights, and other intellectual property. Give particulars.	X			
22. Licenses, franchises, and other general intangibles. Give particulars.	X			
23. Automobiles, trucks, trailers, and other vehicles and accessories.		MERCURY SABLE - 2001 JEEP CHEROKEE - 1993	W J	10,910 2,936
24. Boats, motors, and accessories.	X			
25. Aircraft and accessories.	X			
26. Office equipment, furnishings, and supplies.	X			
27. Machinery, fixtures, equipment, and supplies used in business.	X			
28. Inventory.	X			
29. Animals.	X			
30. Crops - growing or harvested. Give particulars.	X			
31. Farming equipment and implements.	X			
32. Farm supplies, chemicals, and feed.	X			
33. Other personal property of any kind not already listed. Itemize.				
NOTE RECEIVABLES		NEW ENGLAND PANTRY, INC	W	81,000
			TOTAL	1,082,834

\_\_\_\_\_ continuation sheets attached

(Include amounts from any continuation sheets attached.  
Report total also on Summary of Schedules.)

SCHEDULE B - PERSONAL PROPERTY

*JSB*

IN RE LINDA D. SWAIN Debtor(s) Case No. \_\_\_\_\_

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by a married debtor in a chapter 12 or 13 case whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.

Debtor's Marital Status  <u>MARRIED</u>	DEPENDENTS OF DEBTOR AND SPOUSE		
	NAMES <u><del>LINDA D. + ROBERT E. SWAIN</del></u> <u>MICHAEL G. SWAIN</u>	AGE  <u>21</u>	RELATIONSHIP  <u>SON</u>
EMPLOYMENT: DEBTOR		SPOUSE	
Occupation <u>HOUSEWIFE</u>			
Name of Employer			
How long employed			
Address of Employer			

Income: (Estimate of average monthly income)	DEBTOR	SPOUSE
Current Monthly gross wages, salary, and commissions (pro rata if not paid monthly)	\$ <u>0</u>	\$ _____
Estimated monthly overtime	\$ _____	\$ _____
<b>SUBTOTAL</b>	<u>\$ _____</u>	<u>\$ _____</u>
LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and Social Security	\$ _____	\$ _____
b. Insurance	\$ _____	\$ _____
c. Union dues	\$ _____	\$ _____
d. Other (specify) _____	\$ _____	\$ _____
<b>SUBTOTAL OF PAYROLL DEDUCTIONS</b>	<u>\$ _____</u>	<u>\$ _____</u>
<b>TOTAL NET MONTHLY TAKE HOME PAY</b>	<u>\$ <u>0</u></u>	<u>\$ _____</u>
Regular income from operation of business or profession or farm (attach detailed statement)	\$ _____	\$ _____
Income from real property	\$ _____	\$ _____
Interest and dividends	\$ _____	\$ _____
Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above	\$ _____	\$ _____
Social Security or other government assistance (Specify) _____	\$ _____	\$ _____
_____	\$ _____	\$ _____
Pension or retirement income	\$ _____	\$ _____
Other monthly income (Specify) _____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
<b>TOTAL MONTHLY INCOME</b>	<u>\$ <u>0</u></u>	<u>\$ _____</u>
<b>TOTAL COMBINED MONTHLY INCOME \$ <u>0</u></b> (Report also on Summary of Schedules)		

Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document:

WDS

IN RE LINDA D. SWAIN Case No. \_\_\_\_\_  
Debtor(s)

**SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)**

Complete this schedule by estimating the average monthly expenses of the debtor and the debtor's family. Pro rate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

Rent or home mortgage payment (include lot rented for mobile home) \$ 4661

Are real estate taxes included? Yes ☐ No ☒

Is property insurance included? Yes ☐ No ☒

Utilities: Electricity and heating fuel \$ 111

Water and sewer \$ 0

Telephone \$ 320

Other \_\_\_\_\_ \$ \_\_\_\_\_

Home maintenance (repairs and upkeep) \$ 462

Food \$ 1000

Clothing \$ 300

Laundry and dry cleaning \$ 150

Medical and dental expenses \$ 100

Transportation (not including car payments) \$ 240

Recreation, clubs and entertainment, newspapers, magazines, etc. \$ 820

Charitable contributions \$ 80

Insurance (not deducted from wages or included in home mortgage payments)

Homeowner's or renter's \$ 77

Life \$ 1427

Health \$ 680

Auto \$ 357

Other UMBRELLA \$ 167

Taxes (not deducted from wages or included in home mortgage payments)

(Specify) REAL ESTATE \$ 750

Installment payments (in chapter 12 and 13 cases, do not list payments to be included in the plan)

Auto \$ 346

Other CREDIT CARDS \$ 3500

Alimony, maintenance, and support paid to others \$ 0

Payments for support of additional dependents not living at your home \$ 1300

Regular expenses from operation of business, profession, or farm (attach detailed statement) \$ \_\_\_\_\_

Other \_\_\_\_\_ \$ \_\_\_\_\_

**TOTAL MONTHLY EXPENSES (Report also on Summary of Schedules)** \$ 16,848

**(FOR CHAPTER 12 AND 13 DEBTORS ONLY)**

Provide the information requested below, including whether plan payments are to be made bi-weekly, monthly, annually, or at some other regular interval.

A. Total projected monthly income \$ \_\_\_\_\_

B. Total projected monthly expenses \$ \_\_\_\_\_

C. Excess income (A minus B) \$ \_\_\_\_\_

D. Total amount to be paid into plan each \_\_\_\_\_ \$ \_\_\_\_\_

(interval)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

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